

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEE
FOR PERSONAL INJURY AND DEATH CLAIMS**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Ronald L. Motley (1944-2013)
Jodi Westbrook Flowers / Donald A. Migliori, *Co-Chairs*
MOTLEY RICE LLC

Robert T. Haefele, *Co-Liaison Counsel*
MOTLEY RICE LLC

VIA ECF

June 14, 2023

The Honorable George B. Daniels
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Daniels:

We are in receipt of James Bernard's letter dated May 31, 2023 (ECF No. 9114), wherein he purports to provide supplemental authority with respect to the *Havlish* plaintiff attorneys' common benefit fee request. To the contrary, Bernard cites no new legal authority, but instead makes a veiled attempt to put the attorney fee request of a few ahead of the more substantive and timely legal issues that affect all 9/11 plaintiffs, including those represented by the *Havlish* attorneys. The PEC is in the midst of substantial briefing on expert and dispositive legal issues. The Committee's ongoing work on behalf of all claimants is relevant to the court's consideration of the *Havlish* petition; so as already thoroughly briefed, the *Havlish* petition remains premature.

We submit that Bernard's letter is inappropriate. The Southern District is not required to consider arguments made in unauthorized briefs. *See Emanuel v. Gap, Inc.*, 19-CV-03617 (PMH), at *7 (S.D.N.Y. Aug. 3, 2022) ("The Court is, of course, entitled to disregard any arguments made in extraneous briefing") *citing Clark v. City of New York*, No. 09-CV-02533, 2015 WL 5719612, at *1 (E.D.N.Y. Sept. 29, 2015) (disregarding the pages of a party's brief that exceeded the page limit under Court rules without the Court's prior approval). The PEC asks the court to simply disregard Bernard's letter. If, however, the court has any questions or requires a formal response to the letter, the PEC will of course be happy to respond.

Respectfully submitted,

MOTLEY RICE LLC

By: /s/ Jodi Westbrook Flowers
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For the Plaintiffs' Exec. Committee for Personal Injury and Death Claims

cc: The Honorable Sarah Netburn, U.S.M.J., via ECF
All Counsel of Record via ECF